

FORTY-NINTH DAY

(Tuesday, April 19, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we would learn from Thy word, the ox knoweth his master's crib; but Israel doth not know. Make us to know Thee as our master; to feel our deep need of Thee; for more than the flower needs the sunshine, or a babe needs its mother, we need Thee. Give us Thy spirit to guide us in the ways of all truth. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 237

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Dr. J. C. Davis of Rule, Texas, a long-time pioneer citizen of Haskell County, and a former distinguished member of the House of Representatives; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official wel-

come of the Senate, and the privileges of the floor for the day.

MOFFETT
AIKIN

The resolution was read and was adopted.

Senator Moffett, by unanimous consent, presented Dr. Davis to the Members of the Senate.

(President Pro Tempore in the Chair.)

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 495, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 357, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 682, have had the same un-

der consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Kelley submitted the following reports:

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 696, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 402, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KELLEY, Chairman.

Senate Resolution 238

Senator Willis offered the following resolution:

Whereas, The Exchange Club of Fort Worth annually presents a Golden Deeds Award to an outstanding citizen of Fort Worth; and

Whereas, Dr. W. J. Danforth has been presented the Certificate and Scroll indicative of such award for the Year 1954; and

Whereas, Dr. Danforth is correctly called the "Doctor of Golden Deeds"

because of his hard work and unselfish service rendered the Veteran's Affairs Section of the Fort Worth Chamber of Commerce; and

Whereas, Dr. Danforth's interest in Texas Veterans and Texans has been an inspiration to the Fort Worth Exchange Club and to the citizens of Fort Worth; now, therefore, be it

Resolved, By the Senate of Texas, that Dr. W. J. Danforth be commended for his splendid service to his fellow man; and be it further

Resolved, That a copy of this resolution be mailed to Dr. Danforth as an expression of appreciation from the Senate of Texas for a job well done.

The resolution was read and was adopted.

Senate Resolution 239

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Sixth Grade pupils of the Island School of Galveston accompanied by Mrs. Agnes Schindler, Mrs. Marie Vogt and Mr. Richard Stewart; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 240

Senator Shireman offered the following resolution:

Whereas, We are honored today, April 19, 1955, to have on a visit to the Capitol Building the following students from the Hamlin Junior High School of Corpus Christi, Texas:

Betty Zazsvorka, Nancy Greer, Lucy Fuchsman, Clipper Smith, Myrlene Seagraves, Jack Sanders, Berta Mann, Tommy Karr, Edward Andrews, Mike Berns, Barbara Anne

Coward, Martha Watson, Pete Zoch, John Cudd, Donald Davidson, Anna Matherne, John Germany, Don Mitchell, Bill Powell, Phil Strong, Arnold Cole, Betty Letts, Dayle Cryer, Betty Weatherford, Jon Webb, Ray Taggart;

Roby Terrill, Mary Ware, Steve Snyder, Roger Pilon, Kaye Cunningham, Betty McCrosky, Janet Johnson, Marilyn Melms, Lynda McKinney, Bob Jackson, John Kimmey, Kay Collins, Gary Robinson, Kenny Mobley, Gerry Albright, Cynthia Blanton, Jackson Giles, Alice Sheinberg, Weldon Melugin, Jimmy Wilde, Karen McGuffey, Sharon Rhodes, Eddie Autrey, Jay Bryson, Jim Loele, Hallie Neimeyer, Polly Kaufman, Richard Yates, Olga Lemly;

Mary Katherine Lynch, Judith Drake, Mac Keeble, Raymond Haas, Bill McGinnis, Ellin Donnelly, Benny House, Carolyn Crofutt, Jo Carole Williams, Linda Baker, Carolyn Wright, Sharon Long, Bill Hurley, Mike Clough, Joy Bolinger, Beatrice Gonzalez, Bonnie Erwin, John Marek, Steve Miller, Darla Palmer, Sandra Robinson, Brenda Smith, Rilla Trotter, Anabel Harvey, Danny Smith;

Shirley Racusin, Sam Powell, Keith Menefee, Sharon McGowan, John Large, Kay Johns, Sally Gray, Tommy Estes, Joyce Dunn, Pat Blackwood, Jean Ann Clark, Mike Huckman, Stacy Dryden, Jack Hogan, Steven Andrews, Douglas Hotchkiss, John Hidy, Penny Hogan, Winfield Woodruff, Charles Finney, Edward Kluth, Penrod Thornton, Brent Reeves, Tommy Caywood, Peggy Bass, Sandra Lee Sander, Linda Eichner, Lou Carter, Charles Wilson, Claire Ann Smith;

Diana Dilworth, Larry Collier, Budgie Wray, Thomas Campbell, Billy Swanson, Bonnie McClain, Eddie Watts, Bettie Keller, Dick Smith, Jimmy Cobb, Julian Green, Gretchen Wagner, Richard Trachen, Sharon Winters, Mary Anne Park, Robert Boerner, Sandra King, Jerry Lynn Luckett, Myra Taylor, Karen Sue Pennington, Pansy Maddox, Betty Mohler, Raymond Ragsdale, Gerrie Ann McMurry, Tommy Baker, Alice Caldwell, Barbara Campbell;

Leila Campbell, Henry Davis, Sharon England, James Ferrel, Sharon Gill, Judy Langford, Wayne Newman, Nancy Shaddox, Suzanne Winston, Marilyn Jordan, Jason Stigletts, Marv June Wiatt, Mary Jean Stillwell, Pat Henry, Watt Prichard, Betty White, John Phillips, Larry Henke,

Bob Cox, Georgiana Wedell, Perry La Rue, Linda Miller, David Ing, Kay-sene Jones, Harriett Ann Weisman, Sylvia Webb, Darrell Brown, Jerry Hayes, Curtis McCoy;

Ann Tucker, Vernon Couch, Beverly Arp, Joe Holt, Gordon Dougherty, Don Ocker, Sue Riley, Gale Hawkins, Phillip Theis, Connie Herbert, Phylliss Schraub, Sharon Kay May, Butch Underbrink, Sandra Renfro, Carol Ann Katz, Salisbury Filbert, Yvonne Runyan, Dale Murry, Dorothy Edwards, Jerrell Lewis, Dale Baird, Ernest Young, Charles Williams, Sammie Krasner, Barbara Browne, Tina Caldwell, Betty Campbell;

Stewart Colley, Kay Eason, Terry Ferrel, Billy Fuchsman, Nan Korrig, Karen Millerick, Shirley Perkins, Carol Shomake, Susan Marks, Joe Yoist, Gail Ann Pierce, Pat Horn, Mary Anne Hokstadt, Danny Harwell, Clarita Tolle, Bill Taylor, Walter Theis, Joe Ratliff, Johnny Hunt, Dwight Davis, Glenn Lewis, Jimmy Hutchens, Maurez Mendlowitz, Hazel Polk, Donna Hoyle, Bobby White, Ronnie Talbert, Shawn Carpenter who are accompanied by their teachers and sponsors: Mrs. Eugenia Briscoe, H. L. Glenn, Mrs. Roger Pilon, Lester D. Stephens, Mrs. Sol Green, Mrs. D. S. Mendlowitz, Mrs. Henry Loeb, Mrs. Raymond L. Sander, Mrs. C. H. Fuchsman, A. M. Crofutt, Jeanette Ladd, L. H. Bertram, Mrs. James A. Kaufman, Mrs. L. F. Webb, and Mrs. James G. Bryson; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize the visit of such class to the Capitol and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Shireman by unanimous consent presented the students and guests to the Members of the Senate.

Senate Resolution 241

Senator Fly offered the following resolution:

Whereas, We are honored to day to have in the gallery the 5th, 6th, 7th and 8th grades of the Weesatche Grade School, Weesatche, Texas, accompanied by Mr. G. J. Matal and Mr. Calvin G. Bruns; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly, by unanimous consent, presented the students and sponsors to the Members of the Senate.

Senate Resolution 242

Senator Wagonseller offered the following resolution:

Whereas, We are honored to have in the Senate today, Mr. and Mrs. John MacGuire, from Fabens and El Paso, Texas; and

Whereas, Mr. and Mrs. MacGuire are outstanding citizens of West Texas; now, therefore, be it

Resolved, That Mr. and Mrs. MacGuire be welcomed by the Senate; and that they be extended the courtesy of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented Mr. and Mrs. MacGuire to the Members of the Senate.

Senate Bill 410 on First Reading

Pursuant to the provisions of the emergency message submitted to the Regular Session of the Fifty-fourth Legislature by the Governor on yesterday, the following bill was introduced, read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 410, A bill to be entitled "An Act making additional appropriations to certain officers, agencies, and departments of the State; and declaring an emergency."

To the Committee on Finance.

Senate Bill 411 on First Reading

Senator Latimer moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Latimer:

S. B. No. 411, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of 1951, 52nd Legislature of Texas, so as to provide that any county may enter into long term contracts with any agency, district or municipal corporation of the State where revenues derived from such contract by any such agency, district or municipal corporation may be pledged to the payment of revenue bonds issued by any such agency, district or municipal corporation; providing that provisions of this Act shall control when in conflict with other laws and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

Senate Bill 412 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
McDonald	Willis

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Owen:

S. B. No. 412, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 199, Acts of the 54th Legislature, Regular Session, so as to clarify the powers and authority therein conferred on El Paso County Water Control and Improvement District No. 4; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Senate Resolution 243

Senator Phillips offered the following resolution:

Whereas, There occurred last Saturday, April 16, 1955, a riot by eighty crazed inmates of Rusk State Hospital in which at least thirteen persons were injured; and

Whereas, This uprising was fraught with the most dangerous potentialities that could have resulted in bodily harm and death for many, especially had the aroused inmates gained their freedom; and

Whereas, Dr. Charles W. Castner carried out the mandates of his office of Superintendent and performed his duty as Superintendent far above the ordinary call, even to the extent of risking his own life in order that his colleague, Dr. Hancock, who had been stabbed and beaten, could be released as hostage; and

Whereas, When given the choice by the leader of the rioting inmates as to

whether or not he or the wounded Dr. Hancock would be held as hostage, he replied "Let Dr. Hancock be released to the hospital and I will stay"; and

Whereas, This heroic action on the part of Dr. Castner should not go unnoticed, but should be recognized by the Senate of Texas and go down in history as one of the greatest examples of brave and heroic actions of one who is mindful of his fellow man; now, therefore, be it

Resolved, by the Senate of Texas, That Dr. Castner be especially commended for his action on that eventful day, carrying out under the most trying of circumstances his duty as Superintendent of Rusk State Hospital far and above the ordinary call of duty expected.

PHILLIPS
ASHLEY
AIKIN
COLSON

Signed—Ben Ramsey, Lieutenant Governor; Bracewell, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Parkhouse, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagon seller, Weinert, Willis.

The resolution was read.

On motion of Senator Strauss the names of the Lieutenant Governor and all of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 244

Senator Secrest offered the following resolution:

Whereas, We are honored today to have the Reverend and Mrs. Maggart Howell of Temple, Texas, the Reverend Howell being pastor of the First Methodist Church of Temple, and Mr. and Mrs. Samuel R. Greenwood of Temple, Texas, visit in the Capitol; and

Whereas, The Senate desires to welcome these distinguished visitors to the Capitol Building and to the Capital City; now, therefore, be it

Resolved, That they be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this group

be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senator Secrest, by unanimous consent, presented the guests to the Members of the Senate.

Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Finance:

April 18, 1955.

To the Members of the Fifty-fourth Legislature.

I submit for your consideration as an emergency matter, under the authority of Section 5, Article III of the Constitution, the following subject of legislation:

An Act appropriating moneys out of the unexpended balance heretofore appropriated to the Livestock Sanitary Commission under and by virtue of the provisions of House Bill No. 111 of the Fifty-third Legislature, Regular Session, 1953, for the purpose of paying indemnity to the owners of sheep and goats which sheep and goats have been exposed to the contagious and fatal disease of scrapie which requires their destruction.

An outbreak of this contagious and fatal disease among some flocks of sheep and goats in this State threatens the destruction of large numbers of this segment of the livestock industry.

Advice is received that there is no presently known treatment or cure of this disease.

Federal livestock sanitary regulations require the slaughtering of all infected or exposed animals as the only available means of controlling scrapie.

In order that the owners be indemnified for such slaughtered livestock, it is necessary that an appropriation of \$14,000.00 be made for paying the State's portion of the total cost.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Senate Bill 172 on Third Reading

On motion of Senator Rogers of Childress and by unanimous consent, the President Pro Tempore laid before the Senate on its third reading and final passage the following bill:

S. B. No. 172, A bill to be entitled "An Act relating to the control and eradication of livestock diseases; establishing a brucellosis control and eradication program; amending Article 712 of the Penal Code of the State of Texas; repealing Article 4474, Revised Civil Statutes of Texas, 1925, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to establish a coordinated livestock disease research-diagnostic laboratory-reporting program; providing for severability; repealing all conflicting laws; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Hazlewood, Weinert, Martin, Ashley and Lane asked to be recorded as voting "nay" on the final passage of S. B. No. 172.

House Concurrent Resolution 35 on Second Reading

Senator Owen asked unanimous consent to suspend the regular order of business and take up S. C. R. No. 21 but that H. C. R. No. 35 containing the same subject matter be laid out in lieu thereof.

There was objection.

Senator Owen then moved to suspend the regular order of business and take up the resolution for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
McDonald	Willis
Moffett	

Nays—7

Ashley	Moore
Corbin	Rogers of Travis
Hardeman	Wagonseller
Martin	

AbsentFuller
LockRatliff
Weinert

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 35, Granting the El Paso Natural Gas Company permission to bring suit against the State of Texas.

The resolution was read the second time.

(President in the Chair.)

Question—Shall H. C. R. No. 35 be adopted?

Motion to Recess

On motion of Senator Lane the Senate agreed to take recess until 2:00 o'clock p. m. today at the conclusion of the Joint Session.

Committee Appointed on House Concurrent Resolution 52

The President appointed the following as a committee pursuant to the provisions of H. C. R. No. 52: Senators Owen, Phillips, McDonald, Aikin, and Roberts.

Joint Session

(To hear an address by Mr. Jay Albert Robinson.)

The President at 11:30 o'clock a. m. announced pursuant to the provisions of H. C. R. No. 52, the time had arrived for a Joint Session to hear an address by Mr. Jay Albert Robinson, President, National Society of Public Accountants of San Diego, California.

Accordingly, the Senators present repaired to the Hall of the House of Representatives.

The Senators were announced at the Hall of the House and were admitted and escorted to seats already prepared for them along the aisles.

Mr. Robinson escorted by Senators Phillips, McDonald, Aikin, Owen and Roberts on the part of the Senate, and Representatives Anderson, Crowthait, Cox of Montgomery, and Morgan on the part of the House, were announced at the Bar of the House, and were escorted to the Speaker's stand.

The President Pro Tempore, by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

The President Pro Tempore called the Senate to order and announced a quorum of the Senate present.

The Speaker called the House to order and announced a quorum of the House present and presented Representative Anderson of Midland to the Joint Session.

Mr. Anderson then presented Mr. Jay Albert Robinson.

Mr. Robinson then addressed the Joint Session.

Recess

At the conclusion of the Joint Session, the President Pro Tempore announced at 12:01 o'clock p. m. that the Senate would stand recessed until 2:00 o'clock p. m. today on motion previously adopted by the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p. m. today.

House Concurrent Resolution 35 on Second Reading

The President laid before the Senate as pending business H. C. R. No. 35 on its second reading.

Question—Shall H. C. R. No. 35 be adopted?

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid El Paso Natural Gas Company in the event a final judgment is obtained by it for recovery of taxes paid under H. B. 285, 52nd Leg."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new resolving clause as follows:

"Resolved, That no judgment adverse to the State of Texas shall be final until same is acted on by the highest court of last resort in this state."

On motion of Senator Owen the amendment was tabled by the following vote:

Yeas—18

Bracewell	Phillips
Hazlewood	Ratliff
Kazen	Roberts
Kelley	Rogers
Lane	of Childress
Latimer	Secrest
McDonald	Shireman
Moffett	Strauss
Owen	Willis
Parkhouse	

Nays—9

Aikin	Martin
Ashley	Moore
Corbin	Rogers of Travis
Fly	Wagonseller
Hardeman	

Absent

Colson	Lock
Fuller	Weinert

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new resolving clause as follows:

"Resolved, That consent to sue shall not be granted unless and until all increase in rates obtained on the basis of taxes paid under H. B. 285, 52nd Leg., shall have been refunded in toto to all those paying or having paid such increased rates."

On motion of Senator Owen the amendment was tabled by the following vote:

Yeas—18

Bracewell	Parkhouse
Fly	Phillips
Hazlewood	Ratliff
Kazen	Rogers
Kelley	of Childress
Lane	Secrest
Latimer	Shireman
Lock	Strauss
McDonald	Willis
Owen	

Nays—10

Aikin	Moffett
Ashley	Moore
Corbin	Roberts
Hardeman	Rogers of Travis
Martin	Wagonseller

Absent

Colson	Weinert
Fuller	

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new resolving clause as follows:

"Resolved, That any recovery be reduced by the amount of any sums collected as a result of increased rates allowed because of this tax."

The amendment was read.

Senator Strauss offered the following as a substitute for the pending amendment:

Amend H. C. R. No. 35 by adding a new resolving clause to read as follows:

"Resolved, That any and all amounts granted to El Paso Natural Gas Company in the form of rates as a result of the tax imposed by H. B. 285, 52nd Legislature, shall be deducted from the total amount of the judgment recovered against the State of Texas by the El Paso Natural Gas Company by virtue of the suit filed as provided by this resolution."

The substitute by Senator Strauss for the pending amendment by Senator Hardeman was adopted.

Senator Aikin then offered the following as a substitute for the pending amendment by Senator Strauss:

Amend H. C. R. 35 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by the El Paso Natural Gas Company all increases in rates obtained on the basis of taxes paid under H. B. 285, Acts, Regular Session, 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

The substitute by Senator Aikin for the pending amendment was adopted.

The amendment as substituted was then adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new resolving clause:

Resolved that other provisions of law notwithstanding, original jurisdiction of any suit brought under the resolution shall be in the Supreme Court of Texas.

On motion of Senator Owen the amendment was tabled by the following vote:

Yeas—21

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Fly	Shireman
Hazlewood	Ratliff
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	Strauss
McDonald	Willis

Nays—7

Corbin	Moore
Hardeman	Roberts
Martin	Wagonseller
Moffett	

Absent

Colson	Weinert
Fuller	

Senator Martin offered the following amendment to the resolution:

Amend H. C. R. 35 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas the attorney general of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

H. C. R. No. 35, as amended, was then adopted by the following vote:

Yeas—23

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Hazlewood	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Secrest
Latimer	Shireman
Lock	Strauss
McDonald	Willis

Nays—6

Corbin	Moore
Hardeman	Rogers of Travis
Martin	Wagonseller

Absent

Fuller	Weinert
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Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 19, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 39, Granting Billy C. Mulkey permission to sue the State of Texas and the Texas Highway Dept.

H. C. R. No. 40, Granting permission for Pete G. Fonseca to sue the State of Texas.

H. C. R. No. 45, Granting permission to Coleman Gas & Oil Co. or its successor, Coleman Gas Company, to bring suit against the State of Texas.

H. C. R. No. 46, Granting permission to Andrews Gas Company to sue the State of Texas.

H. C. R. No. 47, Granting Transcontinental Gas Pipe Line Corp. permission to sue the State.

H. C. R. No. 48, Granting permission to Earl P. Rushing to sue the State.

H. C. R. No. 49, Granting permission to Mrs. Addie Wright to sue the State.

H. C. R. No. 50, Granting permission to Richard Park, Hal Parks, and E. D. Richmond, Jr. to sue the State.

H. C. R. No. 51, Granting permission to Sohio Petroleum Company to sue the State of Texas.

H. C. R. No. 53, Granting permission to P. R. Cox to sue the State of Texas.

H. C. R. No. 54, Granting permission to Ernest and Bertha Badders to sue the State of Texas.

H. C. R. No. 55, Granting permission to E. G. Crenshaw and daughter to sue the State of Texas and Texas Highway Department.

H. C. R. No. 57, Granting permission to Cabot Carbon Company to sue the State of Texas.

H. C. R. No. 58, Granting permission to Wheeler Gas Company to sue the State of Texas.

H. C. R. No. 59, Granting permission to Dudley C. Falgout, Hayward A. Domingue, Richard Crawford, and Iris Collins to sue the State of Texas.

H. C. R. No. 60, Granting permission to West Texas Utilities Company to sue the State of Texas.

H. C. R. No. 61, Granting permission to Bryce McCandless to sue the State of Texas.

H. C. R. No. 62, Granting permission to certain persons, firms and corporations to sue the State of Texas.

H. C. R. No. 65, Granting permission to Pan American Gas Company to sue the State of Texas.

H. C. R. No. 66, Granting permission to Goldston Oil Corp., McAlester Fuel Co., Brazos-Young Corp., Sylva Oil Co., Lawton Oil Corp., W. J. Goldston, and W. L. Goldston to sue the State of Texas.

H. C. R. No. 67, Granting permission to Gerald B. Phipps to sue the State.

H. C. R. No. 68, Granting Harold D. McLean permission to sue the State of Texas.

H. C. R. No. 77, Granting Evelyn Hornsby Mims, and J. L. Mims permission to sue the Veterans Land Board of the State of Texas and the State of Texas.

H. C. R. No. 78, Granting The Dow Chemical Company permission to sue the State of Texas.

H. C. R. No. 81, Granting the Empire Southern Gas Co. permission to sue the State of Texas.

H. C. R. No. 85, Granting Natural Gas Distributing Corp. permission to sue the State of Texas.

H. C. R. No. 86, Granting Sam Sklar, Trustee, permission to sue the State of Texas.

H. C. R. No. 88, Granting B & H Warehouse, Inc. permission to sue the State of Texas.

H. C. R. No. 91, Suspending the Joint Rules so that the House may take up and consider House Bill No. 26 at any time.

H. C. R. No. 95, Endorsing the project of the United Daughters of the

Confederacy of a proposed bust of General Jackson for the Hall of Fame.

H. C. R. No. 102, Suspending the Joint Rules so that House Bill No. 536 may be taken up and considered at any time.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented students of the Highland Park School of Austin and their teacher, Mrs. De Era Sayers to the Members of the Senate.

Senate Resolution 245

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the Seventh Grade of the A. and M. Consolidated School, accompanied by W. T. Riedel and A. R. Owen, teachers; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore, by unanimous consent, presented the students and Mr. Owen and Mr. Riedel to the Members of the Senate.

Senate Concurrent Resolution 26 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

S. C. R. No. 26, Granting Inde-

pendent Natural Gas Company permission to sue the State.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. 26 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid Independent Natural Gas Co. in the event a final judgment is obtained by it for the recovery of taxes paid under H. B. 285, 52nd Legislature."

The amendment was adopted.

Question—Shall S. C. R. No. 26 be adopted?

Senate Bill 360 on Second Reading

Senator Kazen asked unanimous consent to suspend the regular order of business and take up S. B. No. 360 for consideration at this time.

There was objection.

Senator Kazen then moved to suspend the regular order of business and take up S. B. No. 360 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Ashley	Moffett
Bracewell	Moore
Corbin	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Kazen	Ratliff
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—4

Aikin	Rogers
Fly	of Childress
Roberts	

Absent

Colson	Weinert
Fuller	

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 360, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court and the Judges and the Commissioners of the Court of Criminal Appeals; repealing subsection (a) of Section 1 of Senate Bill No. 79, Acts of the Fifty-second Legislature, Regular Session, 1951, Chapter 386 (compiled as subsection (a) of Article 6819a-9, Vernon's Civil Statutes of Texas), and all other laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following amendment to the bill:

Amend S. B. 360 by striking out of Section 1, line 20, the words and figures "Twenty Thousand (\$20,000) Dollars" and inserting in lieu the following:

"Seventeen Thousand Five Hundred Dollars (\$17,500)."

The amendment failed of adoption by the following vote:

Yeas—13

Aikin	Martin
Ashley	Moffett
Fly	Moore
Hardeman	Ratliff
Hazlewood	Roberts
Latimer	Rogers
Lock	of Childress

Nays—14

Bracewell	Phillips
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
McDonald	Strauss
Owen	Wagonseller
Parkhouse	Willis

Absent

Colson	Fuller
Corbin	Weinert

Senator Wagonseller offered the following amendment to the bill:

Amend S. B. 360 by adding another section at the end of Sec. 1 to be known as Sec. 1A:

"From and after August 31, 1955, the District Judges of the State of Texas shall each be paid an annual salary of \$12,000, paid in equal monthly installments."

The amendment was read.

Senator Moore raised the point of order that the amendment was not germane to the bill.

The President overruled the point of order.

Question—Shall the amendment by Senator Wagonseller to S. B. No. 360 be adopted?

Senate Bill 402 Ordered Not Printed

On motion of Senator Strauss, and by unanimous consent, S. B. No. 402 was ordered not printed.

Adjournment

On motion of Senator Hardeman, the Senate, at 4:05 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

FIFTIETH DAY

(Wednesday, April 20, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis
McDonald	

Absent

Wagonseller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we pray that Thou wilt teach us how to live with, as well as work for people. So many of us are unfit to live with, and dare not to die. Make us to know that we live by dying; find by losing; gain by giving; and conquer by surrender. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bill 413 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Martin	Wagonseller
McDonald	Willis
Moffett	

Absent

Fuller	Strauss
Hazlewood	Weinert
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 413, A bill to be entitled "An Act prohibiting members of the State Banking Board from holding positions or owning interests in state or national banks; requiring resignation from any such position upon becoming a member of the Board and requiring disposition of interest within six months after becoming a member; providing for resignation of positions and disposition of interests held by members of the Board when this Act becomes effective; and declaring an emergency."

To the Committee on Banking.

Senate Bill 414 on First Reading

Senator Latimer moved that Senate Bill 114 and Section 5 of Article III of the State Constitution be suspended